

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ROSIE M. SMITH,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Commissioner of Social Security,

Defendant.

)

)

) CIVIL NO. 3:05-0478

) JUDGE WISEMAN

) MAGISTRATE JUDGE GRIFFIN


)

**CONSENT ORDER REGARDING FEES UNDER
THE EQUAL ACCESS TO JUSTICE ACT**

This action is being submitted to the Court for entry of a consent order agreed to by the parties, as it appears that the defendant has executed this consent order, by and through the undersigned Assistant United States Attorney; and the plaintiff, by and through her attorney, has executed this consent order; and it appearing that the parties have agreed that the Commissioner of Social Security should pay the plaintiff the sum of \$5,250.00 for attorney fees and costs and in full and final settlement of all claims due against the Social Security Administration for attorney fees and costs arising under the Equal Access to Justice Act (EAJA). 28 U.S.C. § 2412(d). The payment will be made by check payable to “John Bell Whitesell, Attorney at Law” and sent to his attention at his office address.

It is therefore ordered that the Commissioner of Social Security pay to the plaintiff the sum of \$5,250.00 in full satisfaction of any and all claims arising under the EAJA and upon payment of such sum this case is dismissed with prejudice. Plaintiff's Petition for Attorney Fees and Costs, Doc. #23, is

DENIED as moot. This the 7th day of October, 2008.


THOMAS A. WISEMAN, JR.
Senior United States District Judge

Consented to:

EDWARD M. YARBROUGH
United States Attorney for the
Middle District of Tennessee

BY: s/ Michael L. Roden
MICHAEL L. RODEN, B.P.R. #010595
Assistant United States Attorney
110 Ninth Avenue South, Suite A-961
Nashville, Tennessee 37203-3870

s/ John Bell Whitesell (with permission)
JOHN BELL WHITESELL, B.P.R. #013460
Whitesell Law Offices
2400 Crestmoor Road, Suite 201
Nashville, TN 37215